

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**DECLARATION OF KRISTOPHER R. DAVIS IN SUPPORT OF
PLAINTIFF HEADWATER RESEARCH LLC'S
MOTION TO AMEND INFRINGEMENT CONTENTIONS**

I, Kristopher R. Davis, declare and state as follows:

1. I am a member of the State Bar of California and a partner at the firm of Russ August & Kabat, counsel of record for Plaintiff Headwater Research LLC in the above-captioned action. I submit this declaration in support of Plaintiff's Motion to Amend Infringement Contentions. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Prior to December 18, 2023, Samsung had produced 78,035 documents in this action, and 23 of those documents include a reference to "AppFreezer" or "App Freezer."

3. Since February 14, 2024, Samsung has produced 67,824 additional documents spanning 291,171 pages, including 21,738 "loose" documents that are not emails and not email attachments. Since February 14, 2024, Samsung has produced 4,948 documents that include a reference to "AppFreezer" or "App Freezer." Of the 67,824 documents Samsung has produced since February 14, the vast majority (51,936) were produced on or after March 4, 2024.

4. Since February 23, 2024, Samsung has produced 1,287 "loose" documents that are not emails and not email attachments but include a reference to "AppFreezer" or "App Freezer."

5. On February 12-16 and March 6-8, 2024, Headwater conducted in-person review of the Samsung source code, which included investigation of AppFreezer functionality.

6. Attached as Exhibit A are true and correct copies of Plaintiff's proposed amended infringement contention charts, with proposed amendments shown in redline.

7. Attached as Exhibit B is a true and correct copy of Plaintiff's First Set of Interrogatories to Samsung (Nos. 1-17), dated April 7, 2023.

8. Attached as Exhibit C is a true and correct copy of excerpts from Samsung's Supplemental Objections and Responses to Headwater's First Set of Interrogatories (Nos. 1, 10,

11, 15, 16, 17), dated February 21, 2024

9. Attached as Exhibit D is a true and correct copy of discovery correspondence from Headwater to Samsung, dated October 24, 2023.

10. Attached as Exhibit E is a true and correct copy of an email chain between Headwater and Samsung, spanning November 24, 2023 to December 18, 2023.

11. Attached as Exhibit F is a true and correct copy of discovery correspondence from Headwater to Samsung, dated January 17, 2024.

12. Attached as Exhibit G is a true and correct copy of excerpts from the deposition transcript of Samsung 30(b)(6) designee Hongjung Son, dated February 28-29, 2024.

13. Attached as Exhibit H is a true and correct copy of excerpts from the deposition transcript of Samsung 30(b)(6) designee Hongshik Kim, dated March 6-7, 2024.

14. Attached as Exhibit I is a true and correct copy of a Google Play Store webpage for the “App Freezer” application, printed on March 7, 2024 and available at https://play.google.com/store/apps/details?id=com.wakasoftware.appfreezer&hl=en_US.

Executed on March 12, 2024 in Los Angeles, CA.

/s/ Kristopher R. Davis
Kristopher R. Davis

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3) on March 12, 2024.

/s/ Kristopher R. Davis
Kristopher R. Davis